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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,487	11/20/2003	Atsushi Noguchi	086142-0589	6690
22428	7590	08/01/2006	EXAMINER	
FOLEY AND LARDNER LLP			BROWN, DREW J	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			3616	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,487	Applicant(s) NOGUCHI, ATSUSHI	
	Examiner Drew J. Brown	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/18/06 (amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 9-12 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-7, 9-11 and 20-27 is/are allowed.
- 6) ☒ Claim(s) 12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/17/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed on 5/18/06. Claims 4, 8, and 13 have been canceled and claims 1, 7, 10, 12, and 20 have been amended.

Claim Rejections - 35 USC § 102

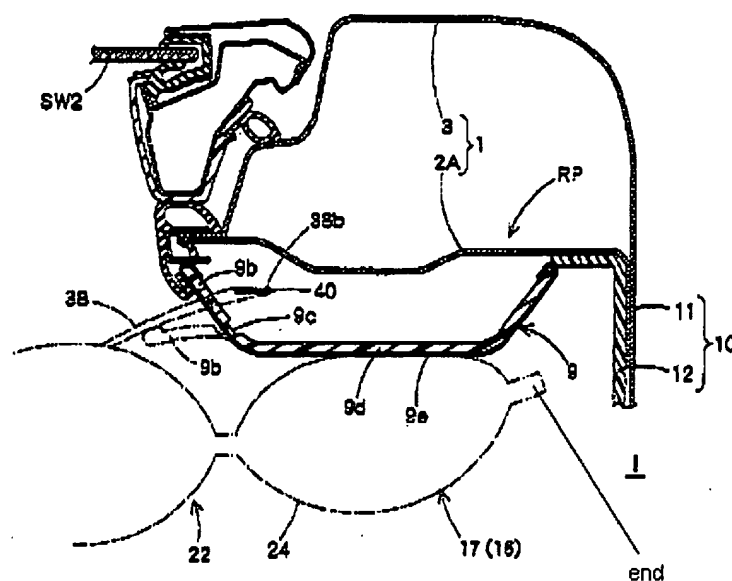
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogata (U.S. Pat. No. 6,866,293 B2).

With respect to claims 12, Ogata discloses a pillar configured to connect a main body of an automobile to a roof (RR) of the automobile and a pillar garnish connected to the pillar and configured to cover the guide member, the pillar garnish having an edge on a side toward the curtain airbag, wherein the curtain airbag is slideably connected to the guide member over a length of the guide member (column7, lines 56-59), and wherein a shortest distance between an interior surface of the pillar and a line passing through a center of the guide member along said length and substantially parallel to the interior surface of the pillar (distance between vertical line passing through guide member 40 and the lowest portion of inner panel 2A as shown in Figure 3) is less than or equal to a shortest distance between the interior surface of the pillar and a line passing through said edge of said pillar garnish and substantially parallel to the interior surface of the pillar (distance between vertical line passing through the lowest portion of edge 9d and the lowest portion of inner panel 2A as shown in Figure 3). The guide member is positioned so that the end (part labeled “end” in Figure below) of the curtain airbag does not rub against the pillar garnish when the airbag deploys downwardly.



With respect to claim 14, the length is substantially equal to a vertical width of a window (SW2) opening adjacent to the pillar.

With respect to claim 15, the guide member is a guide rod.

With respect to claim 16, the guide rod is substantially straight.

With respect to claim 17, the airbag comprises a connecting strap (38) that extends from the longitudinal end (side of airbag near rear pillar RP) and connected to the guide rod.

With respect to claim 18, the airbag comprises a lower end (bottom of airbag at end 38a as shown in Figure 4) different from the longitudinal end, and wherein the airbag comprises a connecting strap that extends from the longitudinal end and connected to the guide rod.

3. Claims 12 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanase et al. (U.S. Pat. No. 6,783,152 B2).

With respect to claim 12, Tanase et al. discloses a pillar configured to connect a main body of an automobile to a roof (RR) of the automobile and a pillar garnish connected to the pillar and configured to cover the guide member, the pillar garnish having an edge on a side toward the curtain airbag, wherein the curtain airbag is slideably connected to the guide member over a length of the guide member, and wherein a shortest distance between an interior surface of the pillar and a line passing through a center of the guide member along said length and

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substantially parallel to the interior surface of the pillar (distance between vertical line passing through guide member 141a and the lowest portion of inner panel 3 as shown in Figure 17) is less than or equal to a shortest distance between the interior surface of the pillar and a line passing through said edge of said pillar garnish and substantially parallel to the interior surface of the pillar (distance between vertical line passing through the lowest portion of edge 109 and the lowest portion of inner panel 3 as shown in Figure 17). The guide member is positioned so that the end (117c) of the curtain airbag does not rub against the pillar garnish when the airbag deploys downwardly (Figure 17).

With respect to claim 14, the length is substantially equal to a vertical width of a window (SW2) opening adjacent to the pillar (Figure 16).

With respect to claim 15, the guide member is a guide rod.

With respect to claim 16, the guide rod is substantially straight.

With respect to claim 17, the airbag comprises a connecting strap (132) that extends from the longitudinal end (117c) and connected to the guide rod (Figure 17).

With respect to claim 18, the airbag comprises a lower end (117b) different from the longitudinal end, and wherein the airbag comprises a connecting strap that extends from the longitudinal end and connected to the guide rod.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogata in view of Seki et al. (U.S. Pat. No. 5,462,308).

Ogata discloses the claimed airbag as discussed above but does not disclose that a weather strip is mounted to the pillar and overlaps a side of the pillar garnish. Seki et al., however, does disclose a weather strip (11, Figure 5) that is mounted to the pillar (13) and overlaps a side of the

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pillar garnish (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Ogata in view of the teachings of Seki et al. to have a weather strip mounted to the pillar and overlapping a side of the pillar garnish in order to protect the interior of the vehicle from poor weather conditions.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanase et al. in view of Seki et al. (U.S. Pat. No. 5,462,308).

Tanase et al. discloses the claimed airbag as discussed above but does not disclose that a weather strip is mounted to the pillar and overlaps a side of the pillar garnish. Seki et al., however, does disclose a weather strip (11, Figure 5) that is mounted to the pillar (13) and overlaps a side of the pillar garnish (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Tanase et al. in view of the teachings of Seki et al. to have a weather strip mounted to the pillar and overlapping a side of the pillar garnish in order to protect the interior of the vehicle from poor weather conditions.

Allowable Subject Matter

7. Claims 1-3, 5-8, 9-11, and 20-27 are allowed.

Response to Arguments

8. Applicant's arguments filed 5/18/06 have been fully considered but they are not persuasive.

On page 8, Applicant argues that there is contact (rubbing) between the airbags of Ogata and Tanase et al. and the pillar garnish. The Examiner agrees that there is indeed contact between the airbag and the pillar garnish, but the claim recites that "the end of the curtain airbag does not rub against the pillar garnish." Therefore, the Examiner points to ends of the airbags that do not contact the pillar garnish during deployment as noted above, and therefore maintains that the rejection is proper.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

db
7/26/06


DAVID F. DUNN
PRIMARY EXAMINER